

Case# 2018-14059-27 Docketed at Montgomery County Prothonotary on 07/13/2018 11:04 AM, Fee = \$0.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 542	:	IN THE MONTGOMERY COUNTY COURT OF COMMON PLEAS
v.	:	
MALLINCKRODT ARD INC., formerly known as QUESTCOR PHARMACEUTICALS, INC.	:	No. 2018-14059
MALINCKRODT PLC	:	
EXPRESS SCRIPTS HOLDING COMPANY	:	
EXPRESS SCRIPTS, INC. CURASCIPT, INC.	:	
CURASCIPT SD	:	
ACCREDO HEALTH GROUP, INC.	:	
and	:	
UNITED BIOSOURCE CORPORATION, now known as UNITED BIOSOURCE LLC., a wholly owned subsidiary of UNITED BIOSOURCE HOLDINGS, INC.	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, upon consideration of the Uncontested Motion for Admission *Pro Hac Vice* for Philip D. Bartz, Esquire, of Bryan, Cave, Leighton, Paisner, LLP and any response thereto, it is hereby ORDERED AND DECREED that the Motion is GRANTED. Philip D. Bartz, Esquire is hereby admitted *Pro Hac Vice* before this Court for purposes of this matter. Mr. Bartz shall comply with all applicable Rules of Court.

BY THE COURT:

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Honorable Gary S. Silow

MARSHALL, DENNEHEY, WARNER  
**COLEMAN & GOGGIN**  
BY: DANIEL J. SHERRY, ESQUIRE  
Attorney I.D. 21654  
620 Freedom Business Center, Suite 300  
King of Prussia, PA 19406  
Telephone: 610/354-8250 Fax: 610/354-8299  
[djsherry@mdwcg.com](mailto:djsherry@mdwcg.com)  
Attorney for Defendants, Mallinckrodt ARD Inc.  
and Mallinckrodt plc

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 v.		
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CURASCIPT SD	:	
ACCREDITO HEALTH GROUP, INC.	:	
 and		
UNITED BIOSOURCE CORPORATION, now known as UNITED BIOSOURCE LLC., a wholly owned subsidiary of UNITED BIOSOURCE HOLDINGS, INC.	:	

**UNCONTESTED MOTION FOR ADMISSION *PRO HAC VICE* OF PHILIP D. BARTZ,  
ESQUIRE**

Defendants Mallinckrodt ARD Inc. and Mallinckrodt plc, ("Mallinckrodt Defendants") by their undersigned counsel, respectfully move this Honorable Court pursuant to the Pennsylvania Bar Admission Rule 301 and Pennsylvania Rule of Civil Procedure 1012.1 for the

admission *pro hac vice* of Philip D. Bartz, Esquire in this matter and in support thereof aver as follows:

1. The Mallinckrodt Defendants seek to have Mr. Bartz admitted *pro hac vice* in this matter for the purposes of representing the Mallinckrodt Defendants.

2. Mr. Bartz is an attorney with Bryan Cave Leighton Paisner LLP, 1155 F Street, N.W., Washington, DC 20004-1357, (202-508-6022). (See, Verified Statement of Philip D. Bartz, Esquire, attached hereto as Exhibit A, ¶ 1.

3. Mr. Bartz is admitted to practice in the District of Columbia (Bar No. 379603, admitted in 1984). Mr. Bartz has also been admitted to practice in the United States Supreme Court, the United States Court of Appeals for the Fourth, Fifth, Eighth, Ninth, Tenth and the District of Columbia Circuits, the United States District Court for the District of Columbia and the United States District Court for the District of Maryland. See Exhibit A, ¶ 2.

4. Mr. Bartz is a member in good standing of the Bars of the Courts listed in paragraph 3 above. See Exhibit A, ¶ 2.

5. Mr. Bartz is not subject to any disciplinary proceedings and is not currently suspended or disbarred in any court. See Exhibit A, ¶ 3.

6. Mr. Bartz has not applied for *pro hac vice* admission in any other pending matters in the Commonwealth of Pennsylvania. No motions for his admission have been denied. See Exhibit A, ¶ 4.

7. Mr. Bartz is familiar with Pennsylvania Bar Admission Rule 301 and Pennsylvania Rule of Civil Procedure 1012.1 and will be associated with Daniel J. Sherry, Esquire, Marshall Dennehey Warner Coleman & Goggin, P.C. at all stages of this matter. (See, Exhibit A, ¶ 7 and Verified Statement of Daniel J. Sherry, Esquire attached hereto as Exhibit B).

8. Mr. Sherry is a member in good standing of the Bar of the Commonwealth of Pennsylvania. (See, Exhibit B, ¶1).

9. Mr. Sherry is and will remain local counsel of record for the Mallinckrodt Defendants (Exhibit B, ¶1).

10. Mr. Sherry recommends Mr. Bartz's admission *pro hac vice* and is acting as his sponsor in the above captioned action. See, Exhibit B, ¶2.

11. Mr. Sherry will remain associated with Mr. Bartz and shall sign and serve, or be served with, all notices, orders, pleadings or other papers filed in this action and shall attend all proceedings before this Court unless excused by the court. See, Exhibit B, ¶4.

12. The fee required by §81.505(a) of the Pennsylvania Interest On Lawyer Trust Account (IOLTA) Board's regulations for *pro hac vice* admissions has been paid and the information required by §81.504 of the Pennsylvania IOLTA Board regulations for *pro hac vice* admissions has been provided to the IOLTA Board. (See, Verification letter dated June 19, 2018 attached hereto as Exhibit C).

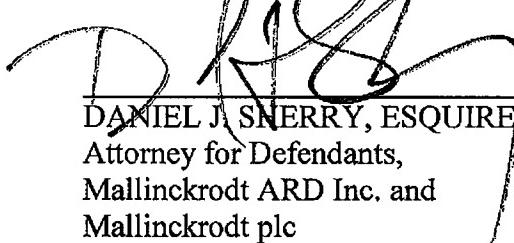
13. Plaintiff and co-defendants Defendants Express Scripts Holding Company, Express Scripts, Inc., CuraScript, Inc., Curascript SD, Accredo Health Group, Inc., and United BioSource Corporation, now known as United BioSource LLC, a wholly owned subsidiary of United BioSource Holdings, Inc. do not oppose this Motion. (See, email correspondence from Donald Haviland, Esquire and from Matthew Martino, Esquire attached as Exhibits D and E respectively).

14. No good cause exists to deny this request for *pro hac vice* admission. See, Pennsylvania Bar Admission Rule 301(b)(2) and Pa.R.C.P. 1012.1(e).

WHEREFORE, Defendants Mallinckrodt ARD Inc. and Mallinckrodt plc, respectfully request that this Honorable Court specially admit Philip D. Bartz, Esquire *pro hac vice* on their behalf in this matter.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

  
DANIEL J. SHERRY, ESQUIRE  
Attorney for Defendants,  
Mallinckrodt ARD Inc. and  
Mallinckrodt plc

# EXHIBIT "A"

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 542	: IN THE MONTGOMERY COUNTY COURT OF COMMON PLEAS
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EXPRESS SCRIPTS HOLDING COMPANY	
EXPRESS SCRIPTS, INC. CURASCIPT, INC.	
CURASCIPT SD	
ACCREDO HEALTH GROUP, INC.	
and	
UNITED BIOSOURCE CORPORATION, now known as UNITED BIOSOURCE LLC., a wholly owned subsidiary of UNITED BIOSOURCE HOLDINGS, INC.	

**VERIFIED STATEMENT OF PHILIP D. BARTZ, ESQUIRE**

I, Philip D. Bartz, Esquire make this statement in support of my request for admission *pro hac vice* to appear in the above-captioned matter on behalf of Mallinckrodt AR, Inc. and Mallinckrodt plc ("Mallinckrodt Defendants").

1. I am an attorney at law in the District of Columbia and a partner with Bryan Cave Leighton Paisner LLP, 1155 F Street, N.W., Washington, DC 20004-1357, (202-508-6022).
2. I am admitted to practice in the District of Columbia (Bar No. 379603, admitted in 1984). I am also admitted to practice in the United States Supreme Court, the United States Court of Appeals for the Fourth, Fifth, Eighth, Ninth, Tenth and the District of Columbia Circuits, the United States District Court for the District of Columbia and the United States District Court for the District of Maryland. I am a member in good standing of the Bars of these Courts.

3. I have never been suspended, disbarred or otherwise disciplined. Nor have I been subject to any disciplinary proceedings.

4. I have not applied for *pro hac vice* admission in any other pending matters in the Commonwealth of Pennsylvania. No motions for my admission have been denied.

5. I agree to comply with and be bound by the applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania including the Pennsylvania Rules of Professional Conduct.

6. I further agree to submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during my appearance in the above-captioned matter.

7. I am familiar with Pennsylvania Bar Admissions Rule 301 and Pennsylvania Rule of Civil Procedure 1012.1 and attest that I will be associated with Daniel J. Sherry, Esquire at all stages of and for the purposes limited to the above-captioned matter.

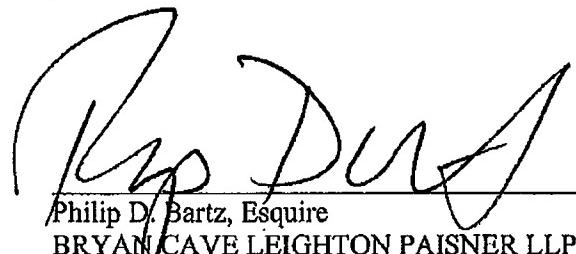
8. I consent to the appointment of the sponsoring attorney Daniel J. Sherry, Esquire as the agent upon whom service of process shall be made for all actions including disciplinary actions that may arise out of the practice of law in the above-captioned matter.

9. I provided all information required by 204 Pa. Code § 81.504 to the Interest On Lawyer Trust Account (IOLTA) Board and paid the \$375.00 fee required by 204 Pa. Code § 81.505(a). See, Letter from IOLTA confirming receipt of the fee.

I make this statement subject to the penalties of 18 Pa. Cons. Stat. § 4904, which relates to unsworn falsification to authorities.

Dated:

7/9/18



Philip D. Bartz, Esquire  
BRYAN CAVE LEIGHTON PAISNER LLP  
1155 F Street, N.W.  
Washington, DC 20004-1357

(202) 508-6022

# EXHIBIT "B"

Case# 2018-14059-27 Docketed at Montgomery County Prothonotary on 07/13/2018 11:04 AM, Fee = \$0.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

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CURASCIPT SD	:	
ACCREDO HEALTH GROUP, INC.	:	
 and		
UNITED BIOSOURCE CORPORATION, now known as UNITED BIOSOURCE LLC., a wholly owned subsidiary of UNITED BIOSOURCE HOLDINGS, INC.	:	

**VERIFIED STATEMENT OF DANIEL J. SHERRY, ESQUIRE**

I, Daniel J. Sherry, Esquire make this statement in support of the Motion for Admission *Pro Hac Vice* of Philip D. Bartz, Esquire to appear on behalf of Mallinckrodt ARD Inc. and Mallinckrodt plc ("Mallinckrodt Defendants") in the above-captioned matter pending in the Court of Common Pleas of Montgomery County, Pennsylvania.

1. I am Senior Counsel with Marshall Dennehey Warner Coleman & Goggin, P.C. Suite 300, 620 Freedom Business Center, King of Prussia, PA 19406, (610-354-8260) and a member of good standing of the Bar of the Commonwealth of Pennsylvania, Attorney Identification No. 21654. I am presently local counsel for the Mallinckrodt Defendants in this matter and will remain so throughout the course of this litigation.

2. After reasonable investigation, I believe that Philip D. Bartz, Esquire is a reputable and competent attorney, I recommend this candidate's admission *pro hac vice* in the above captioned matter and I am acting as his sponsor in this case.

3. I have read the verified statement of Philip D. Bartz, Esquire in support of his application and to the best of my knowledge, information and belief the Verified Statement is accurate. See, Verified Statement of Philip D. Bartz, Esquire.

4. I will remain associated with Mr. Bartz and shall sign and serve, or be served with, all notices, orders, pleadings or other papers filed in this action and shall attend all proceedings before this Court unless excused by the court.

5. Mr. Bartz has provided all information required by 204 Pa. Code § 81.504 to the Interest On Lawyer Trust Account (IOLTA) Board and he has paid the \$375.00 fee required by 204 Pa. Code § 81.505(a). See, Letter from IOLTA confirming receipt of the fee.

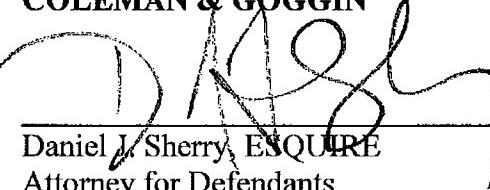
6. The proceeds from the settlement of a cause of action in this matter shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct including the IOLTA provisions thereof, if applicable.

7. Other then Mr. Bartz and the three other attorneys from Bryan Cave Leighton Paisner LLP whose Motions for Admission Pro Hac Vice are being filed simultaneously with his Motion, I am not acting as a sponsor for any candidate for admission *pro hac vice* in any case pending before the Courts of the Commonwealth of Pennsylvania

I make this statement subject to the penalties of 18 Pa. Cons. State. § 4904, which relates to unsworn falsification to authorities.

Dated: 7/11/18

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN



Daniel J. Sherry, ESQUIRE  
Attorney for Defendants,  
Mallinckrodt ARD Inc. and  
Mallinckrodt plc

# EXHIBIT "C"



SUPREME COURT OF PENNSYLVANIA  
PENNSYLVANIA INTEREST ON  
LAWYERS TRUST ACCOUNT BOARD

June 19, 2018

PHILIP DEAN BARTZ, Esq.  
BRYAN CAVE LEIGHTON PAISNER LLP  
1155 F. STREET NW  
WASHINGTON, DC 20004

SENT TO PHILIP BARTZ VIA Email: PHILIP.BARTZ@BCLPLAW.COM

Dear Attorney BARTZ:

This letter serves as the fee payment certification referenced in 204 Pa Code §81.503 and acknowledges receipt of the \$375.00 fee paid by Online Payment on this date related to your pursuit for admission *pro hac vice* in the case identified as International Union of Operating Engineers Local 542 v. Mallinckrodt ARD, Inc. et. al., no. 2018-14059, filed in Court of Common Pleas of Montgomery County.

You should refer to Pa Rule of Civil Procedure 1012.1, local court rules, and other regulations of 204 Pa Code §81.501 et. seq. concerning additional requirements related to seeking *pro hac vice* admission.

Sincerely,



Stephanie S. Libhart  
Executive Director

cc: Daniel Joseph Sherry, Esq.

djsherry@mdwcg.com

Pennsylvania Judicial Center  
601 Commonwealth Ave., Ste. 2400  
PO Box 62445, Harrisburg, PA 17106-2445  
717/238-2001 · 888/PA-IOLTA (724-6582) · 717/238-2003 FAX  
paiolta@pacourts.us · www.paiolta.org

Administering Pennsylvania's Interest On Lawyers Trust Account (IOLTA) Program

# EXHIBIT "D"

**From:** Don Haviland [haviland@havilandhughes.com]  
**Sent:** Monday, July 09, 2018 3:58 PM  
**To:** Watson, Patrick; Bill Platt; Martino, Matthew M; Kreiner, Evan R (Evan.Kreiner@skadden.com); Menitove, Michael H (Michael.Menitove@skadden.com)  
**Cc:** Johnson, Lindsay Sklar  
**Subject:** RE: Local 542 v. Mallinckrodt, et al.

For you, Pat, of course.

Donald E. Haviland, Jr., Esq.  
Managing Member  
*Haviland Hughes*  
"We push back"  
Ambler - Philadelphia  
Atlantic City - Lehigh Valley  
tel: 215-609-4661  
fax: 215-392-4400



---

**From:** Watson, Patrick [mailto:[patrick.watson@bcplaw.com](mailto:patrick.watson@bcplaw.com)]  
**Sent:** Monday, July 9, 2018 3:57 PM  
**To:** Don Haviland; Bill Platt; Martino, Matthew M; Kreiner, Evan R ([Evan.Kreiner@skadden.com](mailto:Evan.Kreiner@skadden.com)); Menitove, Michael H ([Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com))  
**Cc:** Johnson, Lindsay Sklar  
**Subject:** Local 542 v. Mallinckrodt, et al.

All:

We are submitting applications for admission pro hac in the Pennsylvania case for Mallinckrodt's Bryan Cave counsel (Watson, Giorgio, Johnson and Bartz). Can we represent that Plaintiff and Express Scripts do not oppose the request? Thanks, Pat

BRYAN  
CAVE  
LEIGHTON PAISNER LLP

G. PATRICK WATSON  
Managing Partner -- Atlanta  
[patrick.watson@bcplaw.com](mailto:patrick.watson@bcplaw.com)  
T: +1 404 572 6846 F: +1 404 420 0846 M: +1 678 358 8267

BRYAN CAVE LEIGHTON PAISNER LLP  
One Atlantic Center 14th Floor, 1201 W. Peachtree St., N.W., Atlanta, GA 30309-3471  
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# EXHIBIT "E"

**From:** Martino, Matthew M [Matthew.Martino@skadden.com]  
**Sent:** Monday, July 09, 2018 3:58 PM  
**To:** Watson, Patrick; Don Haviland (haviland@havilandhughes.com); Bill Platt (platt@havilandhughes.com); Kreiner, Evan R; Menitove, Michael H  
**Cc:** Johnson, Lindsay Sklar  
**Subject:** RE: [Ext] Local 542 v. Mallinckrodt, et al.

Yes, you may. Express Scripts does not oppose. Thanks.

---

**From:** Watson, Patrick [mailto:[patrick.watson@bcplaw.com](mailto:patrick.watson@bcplaw.com)]  
**Sent:** Monday, July 09, 2018 3:57 PM  
**To:** Don Haviland ([haviland@havilandhughes.com](mailto:haviland@havilandhughes.com)); Bill Platt ([platt@havilandhughes.com](mailto:platt@havilandhughes.com)); Martino, Matthew M (NYC); Kreiner, Evan R (NYC); Menitove, Michael H (NYC)  
**Cc:** Johnson, Lindsay Sklar  
**Subject:** [Ext] Local 542 v. Mallinckrodt, et al.

All:

We are submitting applications for admission pro hac in the Pennsylvania case for Mallinckrodt's Bryan Cave counsel (Watson, Giorgio, Johnson and Bartz). Can we represent that Plaintiff and Express Scripts do not oppose the request? Thanks, Pat

BRYAN CAVE LEIGHTON PAISNER LLP   
G. PATRICK WATSON  
Managing Partner -- Atlanta  
[patrick.watson@bcplaw.com](mailto:patrick.watson@bcplaw.com)  
T: +1 404 572 6846 F: +1 404 420 0846 M: +1 678 358 8267

BRYAN CAVE LEIGHTON PAISNER LLP  
One Atlantic Center 14th Floor, 1201 W. Peachtree St., N.W., Atlanta, GA 30309-3471  
[bcplaw.com](http://bcplaw.com)

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